

Serial No.: 10/633,779

## **REMARKS**

Claims 7-25 are pending in the application. Claims 1-6 were canceled in the Amendment filed August 18, 2004. Claims 7 and 15 are independent claims. The Examiner's indication of the Allowability of Claims 7-25 is appreciated.

## **Obviousness-type Double Patenting**

Claims 1-25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of US Patent 6,611,374.

In order to overcome this rejection, a terminal disclaimer in compliance with 37 CFR 1.321(c) was filed with the Amendment filed on August 18, 2004. Per the Examiner's comments on page 2 of the Office Action mailed 11/02/04, the Terminal Disclaimer inadvertently referred to an incorrect prior patent number. Accordingly, a corrected Terminal Disclaimer is filed herewith. Withdrawal of the double patenting rejection is respectfully requested.

## **CONCLUSION**

Applicant submits that all pending claims are patentable over the cited references and that the application is in condition for allowance.

If a telephone conference would facilitate examination of this application in any way, the examiner is invited to contact applicants' attorney.

## **FEES**

The Terminal Disclaimer fee under 37 CFR 1.20(d) of \$110 was charged to the undersigned attorney's PTO Deposit Account #50-1047 on September 2, 2004 (see enclosed copy of PTO Deposit Account statement). It is believed therefore that no additional fees are due. If any additional fees are due as a result of this Response, the

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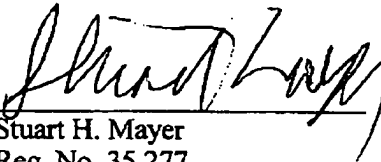
undersigned attorney authorizes the Commissioner to charge such fees to Deposit

Account 50-1047.

The examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

By:


  
Stuart H. Mayer  
Reg. No. 35,277

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this document, and any document referenced herein, has been transmitted via facsimile to the US Patent and Trademark Office at (703) 872-9327 on 11/16/04.

**Marjorie Scariati**

(Printed Name of Person Faxing Correspondence)

  
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# Deposit Account Statement

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DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
09/01	1	10498857	006018 USA/ETCH/DRIE/JB1	1609	-\$730.00	\$19,780.00
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